



PTO/SB/25(10-00)

Approved for use through 10/31/2002. OMB 0651-0031
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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION		Docket Number (Optional) CELLTH 3.0-003 CONT CONT II
In re Application of: Raymond P. Warrell, Jr., Pier Paolo Pandolfi, and Janice L. Gabrilove		
Application No.: 10/758,994		
Filed: January 16, 2004		
For: PROCESS FOR PRODUCING ARSENIC TRIOXIDE FORMULATIONS AND METHODS FOR TREATING CANCER USING ARSENIC TRIOXIDE OR MELARSOPROL		
The owner*, Memorial Sloan-Kettering Cancer Center, of 100		
percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on the following pending related applications:		
10/758,993 filed on January 16, 2004	10/759,313 filed on January 16, 2004	
10/758,995 filed on January 16, 2004	10/759,314 filed on January 16, 2004	
10/758,996 filed on January 16, 2004	10/759,439 filed on January 16, 2004	
10/758,800 filed on January 16, 2004	10/759,616 filed on January 16, 2004	
10/759,290 filed on January 16, 2004	10/759,657 filed on January 16, 2004	
10/759,291 filed on January 16, 2004	10/759,716 filed on January 16, 2004	
10/759,293 filed on January 16, 2004	10/759,726 filed on January 16, 2004	
10/759,308 filed on January 16, 2004	10/759,882 filed on January 16, 2004	
of any patent on the above-listed pending related applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed pending related applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.		
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the above-listed pending applications, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.		
Check either box 1 or 2 below, if appropriate.		
1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.		
2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.		
<u>Shawn P. Foley</u> Signature		August 31, 2004 Date
Shawn P. Foley - 33,071 Typed or printed name		
<input type="checkbox"/> The Commissioner is hereby authorized to charge the disclaimer fee under 37 CFR 1.20(d) to Deposit Account No. 12-1095		
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PTO/SB/26 (08-03)

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT		Docket Number (Optional) CELLTH 3.0-003 CONT CONT II
<p>In re Application of: Raymond P. Warrell, Jr., Pier Paolo Pandolfi, and Janice L. Gabrilove</p> <p>Application No.: 10/758,994</p> <p>Filed: January 16, 2004</p> <p>For: PROCESS FOR PRODUCING ARSENIC TRIOXIDE FORMULATIONS AND METHODS FOR TREATING CANCER USING ARSENIC TRIOXIDE OR MELASOPROL</p> <p>The owner*, <u>Memorial Sloan-Kettering Cancer Center</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. <u>6,723,351</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.</p> <p><u>Shawn P. Foley</u> Signature</p> <p>August 31, 2004 Date</p> <p>Shawn P. Foley - 33,071 Typed or printed name</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge the Terminal disclaimer fee under 37 CFR 1.20(d) to Deposit Account No. <u>12-1095</u></p> <p>LD-544 *Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</p> <p>512342_1.DOC</p>		

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